



Attorney Docket # 5434-16

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Tom MINER et al.

Serial No.: 10/768,760

Filed: January 29, 2004

For: Intravenous Delivery System

Examiner: Osinski, Bradley James
Group Art: 4111

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 2, 2009

(Date of Deposit)

Edward M. Weitz

Name of applicant, assignee or Registered Representative

Signature

October 2, 2009

Date of Signature

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

SIR:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated August 3, 2009 of the Primary Examiner twice or finally rejecting claims 1-55.

The items checked below are appropriate:

1. ☒ The time for response to the Office Action of expires on November 3, 2009.
2. ☐ A __-month extension of time for response to the Office Action dated _ was filed on . [No additional extensions of time are required.]
- 3a. ☐ Applicant(s) hereby request(s) a one two three-month extension of the original shortened statutory response period set in the Office Action of __. Payment in the amount of _ for the government fee for an extension of time is enclosed herewith.

10/06/2009 CCHAU1 00000087 10768760

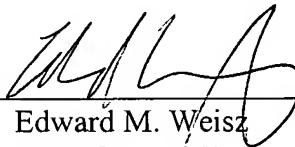
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- 3b. ☐ This is not the first request for an extension of time relative to the outstanding paper. The period for response has already been extended by -month(s) by petition dated . Please extend the time for response by an additional -month(s). With this extension, the deadline for filing the required paper will be . Payment for the additional extension fee of \$ is enclosed.
4. ☒ Check for payment of the appeal fee of \$540.00 and any other fee applicable
☒ is enclosed herewith.
☐ No additional fee is required (fee paid in prior appeal).
☐ Charge the fee to Deposit Account No. 03-2412 (one additional copy of this Notice is enclosed herewith).
5. ☒ Charge any additional fees required, for example, for lodging this appeal or for filing the Appeal Brief, not otherwise paid by check, to Deposit Account No. 03-2412. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By



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